

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of JANERO JAVONTA  
WASHINGTON, Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

TERESA MARIE WASHINGTON,

Respondent-Appellant,

and

CHARLIE KRAIGLER,

Respondent.

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UNPUBLISHED

June 17, 2003

No. 243788

Wayne Circuit Court

Family Division

LC No. 81-224673

Before: Sawyer, P.J, and Meter and Schuette, JJ.

PER CURIAM.

Respondent appeals as of right the trial court's order terminating her parental rights to her child pursuant to MCL 712A.19b(3)(a)(ii), (c)(i), (g), (i), (j), and (k)(i).<sup>1</sup> We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I) (now MCR 3.977[J]); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407

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<sup>1</sup> The trial court's order also terminated the parental rights of respondent Charlie Kraigler, the putative father of Janero. Kraigler has not appealed the order.

(2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

The trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Records of prior proceedings established that respondent's parental rights to ten other children were terminated due to neglect. The child who is the subject of the instant proceedings was removed from respondent's custody due to respondent's longstanding substance abuse problem and lack of suitable housing. Initially, respondent visited the child and made a minimal effort to comply with the parent-agency agreement. However, eventually respondent stopped visiting the child altogether. Her failure to visit or contact the child constituted presumptive evidence of her intent to abandon the child. *In re Sterling*, 162 Mich App 328, 335; 412 NW2d 284 (1987).

The evidence produced at the permanent custody hearing showed that respondent failed to substantially comply with the parent-agency agreement. She did not obtain a substance abuse assessment or substance abuse treatment, obtain suitable housing, complete parenting classes, attend counseling, or maintain contact with petitioner. At the time of the permanent custody hearing, respondent's exact whereabouts were unknown. Respondent failed to improve her circumstances after the child was removed from her custody. Respondent's failure to comply with the parent-agency agreement was evidence that the child would be at risk if placed in her custody. MCR 5.973(C)(4)(b) (now MCR 3.976[E][1]). No evidence showed that granting respondent a further opportunity to comply with the parent-agency agreement would result in improved behavior on her part.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that respondent deserted the child, MCL 712A.19b(3)(a)(ii), that the conditions that led to adjudication continued to exist and likely would not be rectified within a reasonable time, MCL 712A.19b(3)(c)(i), that respondent failed to provide proper care and custody for the child and would be unable to do so within a reasonable time, MCL 712A.19b(3)(g), that respondent's parental rights to one or more siblings of the child had been terminated due to neglect, MCL 712A.19b(3)(i), that it was reasonably likely that the child would be harmed if returned to respondent's custody, MCL 712A.19b(3)(j), and that respondent abused the child by abandoning it, MCL 712A.19b(3)(k)(i). The evidence did not establish that termination of respondent's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *Trejo, supra*.

Affirmed.

/s/ David H. Sawyer

/s/ Patrick M. Meter

/s/ Bill Schuette